HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.11217 of 1999

Dated 11th Day of April, 2007

Between:

Smt. Narala Kantham .. Petitioner

And

The Agent to the Govt.,
East Godavari, Kakinada
and three others .. Respondents

O R D E R:

This writ petition is instituted seeking a mandamus to declare the judgment dated 22.4.1999 delivered by the 1st respondent in C.M.A.No.4 of 1998, as arbitrary and illegal, and consequently direct the respondents not to take over possession of the petitioner's land of an extent of Ac.1.00 cents in S.No.145 situated in Gontuvanipalem village.

The brief facts of the case are that the petitioner purchased the land of an extent of Ac.1.00 cents in S.No.145 situated in Gontuvanipalem village from one Vinjarapu Suryam by virtue of a sale agreement dated 10.1.1967, and since then she has been in peaceful possession and enjoyment of it and regularly paying land tax to the Government. The 3rd respondent filed a complaint before the 2nd respondent-Deputy Collector (Tribal Welfare) for restoration of the land in question, but the 2nd respondent dismissed it holding that there is no violation in the transaction took place between the non-tribals. Now, the petitioner's grievance is that when the 3rd respondent, aggrieved by the order of the 2nd respondent, filed C.M.A.No.4 of 1998, the 1st respondent-Agent to the Government allowed it directing the 4th respondent-Mandal Revenue Officer to take over possession of her land for consequential assignment to the landless tribals.

Heard the learned counsel for both the parties.

According to Section 6 of the A.P. Scheduled Areas Land Transfer Regulation 1959, a revision lies to the Government, but the

petitioner, without exhausting the remedy available under law, field this writ petition.

In the light of the above provision of law, this Court deems it appropriate to direct the petitioner to approach the revisional authority i.e. the Government and file a revision within a period of six weeks from the date of receipt of a copy of this order. As this Court, while ordering Rule Nisi, directed the respondents not to dispossess the petitioner from the land in question, this interim direction shall continue during the pendency of the revision.

With the above direction, the writ petition is disposed of. No costs.

_____

11.04.2007

bcj